

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

JOSEPH COOPER,

Plaintiff,

v.

BRODERICK STEVEN "STEVE"  
HARVEY,

Defendant.

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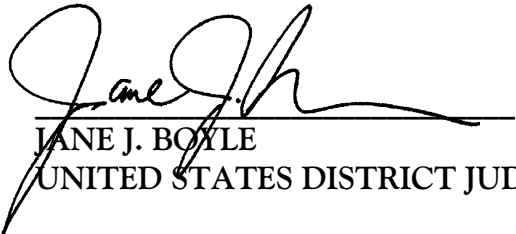
CIVIL ACTION NO. 3:14-CV-4152-B

ORDER

Before the Court is Defendant Broderick Steven Harvey's Motion to Exclude the Report and Testimony of Michael Einhorn (Doc. 141). Mr. Einhorn's testimony will center, in part, upon claims that this Court dismissed in its Order on the parties' cross-motions for summary judgment. See Doc. 142-1, App. in Supp. of Def.'s Mot. to Exclude Rep't and Testimony of Michael Einhorn 2; Doc. 171, Mem. Op. & Order 18-34. Accordingly, the Court DENIES Defendant's Motion **without prejudice**. Defendant may, however, refile his Motion to comport with the present procedural posture of the case.

SO ORDERED.

SIGNED: August 22, 2016.

  
JANE J. BOYLE  
UNITED STATES DISTRICT JUDGE